

REMARKS

Claims 1-7 are pending in this application. Claims 1-4 and 7 have been withdrawn from consideration.

Claim 5 stands rejected under 35 USC 102(b) as anticipated by Yuhara U.S. Patent No. 6,283,129 and claims 5 and 6 stand rejected under 35 USC 103(a) over Kang U.S. Patent No. 5,022,529 in view of Yuhara. Applicant respectfully traverses these rejections.

Claim 5 recites a cosmetic container comprising a container section, a lid section for opening and closing the cosmetic container, a replaceable cover replaceably attached on, and covering, the lid section, a through-hole formed in the lid section so as to extend toward the replaceable cover, an engaging member formed to protrude into the through-hole, a handle formed in the replaceable cover and extending through the through-hole to be exposed in the lid section, and a coacting member formed on the handle and releasably engaging the engaging member.

The same combination of elements is neither disclosed nor suggested by Yuhara or Kang, viewed alone or in combination.

Applicant notes that the Yuhara reference discloses a cover 16 pivotally hinged with the case body 12 for opening and closing the case body. Yuhara does not disclose or suggest the claimed replaceable cover replaceably attached on, and covering, the lid section. Indeed, there is no replaceable cover disclosed by Yuhara.

As a result, the invention disclosed in the Yuhara reference does not provide the advantages of the present invention, namely a cosmetic container with a decorative part that does not inadvertently peel off or come off a container section or a lid section, and that can give the user greater freedom of choice in the selection of its outer appearance.

Consequently, Yuhara provides no teaching or suggestion for the claimed combination, and the anticipation rejection of claim 5 should be withdrawn.

Turning to Kang, Kang's disclosure is limited to a casing that cannot be easily disjoined (see col. 2, lines 13-17). Thus, Kang similarly does not teach or suggest a replaceable cover replaceably attached on, and covering, the lid section. Since even the combination of Kang and Yuhara does not result in the claimed combination, the obviousness rejection of claims 5 and 6 should be withdrawn.


Applicant notes the provisional rejections of claims 5 and 6 for obviousness-type double patenting over claims 1 and 2 in copending U.S. Application No. 10/758,594 and claim 5 over claims 1-3 in copending U.S. Application No. 10/687,978. Due to the provisional nature of these rejections, applicant is not obliged to respond to the merits of the rejections at this time.

In view of the above, each of the pending claims in this application is in condition for allowance. Accordingly, applicant solicits early action in the form of a Notice of Allowance.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 371312001900.

Respectfully submitted,

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